

RE: Water Treatment Questions

Colleen Rathbone to: Tom DeDonato

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From: Colleen Rathbone/R8/USEPA/US

To: "Tom DeDonato" <tjd@spro.net>

Cc: Andrew Sawyers/DC/USEPA/US@EPA, Ronald Bergman/DC/USEPA/US@EPA, Jan

Matuszko/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Bruce Kent/R8/USEPA/US@EPA

Mr. DeDonato,

I second Andrew Sawyer's apology for the delay in responding. I understand that your request is for information on specifications for re-use of treated flowback water in North Dakota for the fracking process.

EPA does not have any specifications or standards for water used in fracking operations at oil and gas production facilities or the re-use of flowback water in such operations. EPA also is not developing regulations to be implemented in 2014 for treatment of water for fracking purposes as indicated in your email. Rather EPA's rule will address frack fluid sent to wastewater treatment plants for disposal.

EPA does regulate the discharge of produced water to surface water under 40 CFR Part 435 from onshore oil and gas facilities. 40 CFR Part 435 prohibits discharges of pollutants associated with such activities including produced and flowback water except for operations located west of the 98th Meridian, where produced water may be used in agriculture or wildlife propagation when discharged into navigable waters and where the applicable discharge limitations are met (daily maximum oil and grease limitation of 35 mg/L). Further, the discharge of produced water must be of good enough quality for the use and actually put to use during periods of discharge.

The North Dakota Department of Health is authorized to administer the NPDES program in North Dakota. NPDES permits implement the applicable technology-based requirements (in this case the requirements of 40 CFR 435 as described above) as well as North Dakota water quality standards for the waterbody receiving the discharge. North Dakota's water quality standards include designated uses, numeric criteria to protect those uses, and antidegradation requirements. Each waterbody is assigned a general classification which includes multiple uses and numeric criteria. The North Dakota water quality standards do not contain specific numeric criteria applicable to agriculture use at this time.

I hope this information clarifies EPA's regulatory role. Please let us know if you need further information.

Regards,

Colleen (Gillespie) Rathbone
Wastewater Unit Chief
U.S. EPA, Region 8
Phone: 303-312-6133
Fax: 303-312-6116